

HOUSE BILL 49

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R4
HB 398/02 - JUD

2003 Regular Session
3lr0378
CF 3lr0816

By: **Delegates Kelly, Boschert, Boutin, Bromwell, Cadden, Cane, Edwards,
Fulton, Glassman, Hubbard, Love, McHale, Minnick, Moe, O'Donnell,
Owings, Redmer, Shank, and Zirkin**

Introduced and read first time: January 20, 2003

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Suspension of Driver's License - Theft of Motor Fuel**

3 FOR the purpose of authorizing for a first offense, and requiring for a second or
4 subsequent offense, the Motor Vehicle Administration to suspend, for a certain
5 period of time, the driver's license of a person who is convicted of a theft offense
6 involving the failure to pay for motor fuel after the motor fuel was dispensed
7 into a vehicle; requiring a court to notify the Motor Vehicle Administration of
8 certain violations involving the theft of motor fuel; requiring a court to notify a
9 person who is convicted of a certain theft offense that the person's driver's
10 license may be suspended; requiring the Chief Judge of the District Court and
11 the Administrative Office of the Courts, in conjunction with the Motor Vehicle
12 Administration, to establish certain procedures; providing for a certain hearing
13 on the request of a licensee under certain circumstances; and generally relating
14 to the suspension of the driver's license of a person who is convicted of a theft
15 offense involving the failure to pay for motor fuel after the motor fuel was
16 dispensed into a vehicle.

17 BY renumbering
18 Article - Criminal Law
19 Section 7-104(h)
20 to be Section 7-104(i)
21 Annotated Code of Maryland
22 (2002 Volume)

23 BY repealing and reenacting, without amendments,
24 Article - Criminal Law
25 Section 7-104(a) and (b)
26 Annotated Code of Maryland
27 (2002 Volume)

28 BY adding to
29 Article - Criminal Law

1 Section 7-104(h)
2 Annotated Code of Maryland
3 (2002 Volume)

4 BY adding to
5 Article - Transportation
6 Section 16-206.1
7 Annotated Code of Maryland
8 (2002 Replacement Volume)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
10 MARYLAND, That Section(s) 7-104(h) of Article - Criminal Law of the Annotated
11 Code of Maryland be renumbered to be Section(s) 7-104(i).

12 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
13 read as follows:

14 **Article - Criminal Law**

15 7-104.

16 (a) A person may not willfully or knowingly obtain or exert unauthorized
17 control over property, if the person:

18 (1) intends to deprive the owner of the property;

19 (2) willfully or knowingly uses, conceals, or abandons the property in a
20 manner that deprives the owner of the property; or

21 (3) uses, conceals, or abandons the property knowing the use,
22 concealment, or abandonment probably will deprive the owner of the property.

23 (b) A person may not obtain control over property by willfully or knowingly
24 using deception, if the person:

25 (1) intends to deprive the owner of the property;

26 (2) willfully or knowingly uses, conceals, or abandons the property in a
27 manner that deprives the owner of the property; or

28 (3) uses, conceals, or abandons the property knowing the use,
29 concealment, or abandonment probably will deprive the owner of the property.

30 (H) (1) IF A PERSON IS CONVICTED OF A VIOLATION UNDER THIS SECTION
31 FOR FAILURE TO PAY FOR MOTOR FUEL AFTER THE MOTOR FUEL WAS DISPENSED
32 INTO A VEHICLE, THE COURT SHALL:

33 (I) NOTIFY THE PERSON THAT THE PERSON'S DRIVER'S LICENSE
34 MAY BE SUSPENDED UNDER § 16-206.1 OF THE TRANSPORTATION ARTICLE; AND

1 (II) NOTIFY THE MOTOR VEHICLE ADMINISTRATION OF THE
2 VIOLATION.

3 (2) THE CHIEF JUDGE OF THE DISTRICT COURT AND THE
4 ADMINISTRATIVE OFFICE OF THE COURTS, IN CONJUNCTION WITH THE MOTOR
5 VEHICLE ADMINISTRATION, SHALL ESTABLISH UNIFORM PROCEDURES FOR
6 REPORTING A VIOLATION UNDER THIS SUBSECTION.

7 **Article - Transportation**

8 16-206.1.

9 (A) SUBJECT TO THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION, ON
10 RECEIPT OF NOTICE DESCRIBED UNDER § 7-104(H) OF THE CRIMINAL LAW ARTICLE
11 THAT AN INDIVIDUAL LICENSED IN THE STATE HAS BEEN CONVICTED OF A
12 VIOLATION UNDER § 7-104 OF THE CRIMINAL LAW ARTICLE FOR A FAILURE TO PAY
13 FOR MOTOR FUEL AFTER THE MOTOR FUEL WAS DISPENSED INTO A VEHICLE, THE
14 ADMINISTRATION:

15 (1) FOR A FIRST VIOLATION, MAY SUSPEND THE INDIVIDUAL'S LICENSE
16 FOR UP TO 30 DAYS; AND

17 (2) FOR A SECOND OR SUBSEQUENT VIOLATION, SHALL SUSPEND THE
18 INDIVIDUAL'S LICENSE FOR 30 DAYS.

19 (B) SUBJECT TO THE PROVISIONS OF TITLE 12, SUBTITLE 2 OF THIS ARTICLE,
20 A LICENSEE MAY REQUEST A HEARING ON A SUSPENSION UNDER THIS SECTION.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2003.